

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
October 18, 2024
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DAVID W. ROBINSON,

Plaintiff,

v.

ROCKBRIDGE REGIONAL JAIL,

Defendant.

Case No. 7:24-cv-00503

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff David W. Robinson, proceeding *pro se*, filed a civil-rights action under 42 U.S.C. § 1983 naming Rockbridge Regional Jail as the sole defendant. (*See* Compl. [ECF No. 1].) On September 17, 2024, the court advised Plaintiff that a jail is not a “person” subject to suit under § 1983, *see Perdue v. Penalosa*, 38 F.3d 1213, 1213 (4th Cir. 1994), and that his complaint failed to state a claim for which relief could be granted (*see* Order [ECF No. 7]). At that time, the court also advised Plaintiff that,

[t]o state a cause of action under § 1983, a plaintiff must allege ... facts indicating that he or she has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law.

(*Id.* at 1.) The court ordered Plaintiff to file an amended complaint within 21 days that corrected the deficiencies identified and cautioned Plaintiff that failure to amend could result in dismissal of his complaint. (*Id.* at 1–2.) More than 21 days have elapsed, and Plaintiff has not filed an amended complaint.

Under 28 U.S.C. § 1915A, the court has an obligation to screen prisoner filings and dismiss any complaint that “fails to state a claim upon which relief may be granted.” 28 U.S.C.

§ 1915A(b)(1). As noted above, Plaintiff may not pursue a § 1983 claim against a jail because a jail is not a “person” within the meaning of the statute. *See Perdue*, 38 F.3d at 1213. Accordingly, Plaintiff has not stated a claim for relief against Rockbridge Regional Jail.

Because Plaintiff’s original complaint fails to state a claim for which relief may be granted and because Plaintiff did not file an amended complaint correcting this deficiency, the Court will dismiss this action under 28 U.S.C. § 1915A(b)(1).

The Clerk is directed to forward copies of this Memorandum Opinion and accompanying Order to Plaintiff.

ENTERED this 18th day of October, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE